

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION**

**KENNITH W. MONTGOMERY** : **CIVIL ACTION NO. 2:18-cv-1288**  
**D.O.C. # 123966**

**VERSUS** : **JUDGE FOOTE**

**JERRY GOODWIN** : **MAGISTRATE JUDGE KAY**

**JUDGMENT**

For the reasons stated in the Report and Recommendation [doc. 5] of the Magistrate Judge previously filed herein and after an independent review of the record, a *de novo* determination of the issues, and consideration of the objections filed herein, and having determined that the findings are correct under applicable law;

**IT IS ORDERED** that the petition for writ of habeas corpus be **DISMISSED WITHOUT PREJUDICE** due to the presence of unexhausted claim(s).

**THUS DONE AND SIGNED** in Chambers this 30<sup>th</sup> day of November,

2018.

  
\_\_\_\_\_  
**ELIZABETH E. FOOTE**  
**UNITED STATES DISTRICT JUDGE**